REMARKS

With this amendment, claims 15-18 and 20-23 are pending. Reconsideration of the present application is respectfully requested in view of the present amendments and remarks.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned **"Version with markings to show changes made."**

I. Amendments

Claims 1-14 and 19 were canceled in accordance with the restriction requirement below.

Support for new claim 22 is found in the specification at page 19, lines 13-14. Support for new claim 23 is found in the specification at page 19, lines 29-30.

II. Response to Restriction Requirement

The Examiner restricted the claims into three Groups as follows:

Group I: claims 1-14 being drawn to a method of prolonging the survival time of human stem cells in culture; ;

Group II: claims 15-18, 20 and 21 being drawn to a method of decreasing the time for hematopoietic reconstitution of a patient following chemotherapy or radiation therapy; and

Group III: claim 19 being drawn to a method of rapid in vitro production of lineage committed progenitor cells and their progeny from human stem cells.

Applicants elect **Group II, claims 15-18, 20 and 21**, for examination.

III. Response to Species Requirement

The Examiner further requires Applicants to elect a single nucleotide sequence from sequences identified as SEQ ID NOS:1, 2 and 5.

Applicants respectfully traverse this requirement and direct the Examiner's attention to the November 19, 1996 Notice in the Official Gazette (hereinafter "the Notice). The Notice indicates that "up to ten (10) independent and distinct nucleotide sequences will be examined in a single application without restriction. It has been determined that normally ten sequences constitute a reasonable number for examination purposes" (the Notice, section II, third paragraph; MPEP 803.04). The Notice specifies that "[i]n some exceptional cases, the complex nature of the claimed material, for example, a protein amino acid sequence reciting three dimensional folds, may necessitate that the reasonable number of sequences to be selected be less than ten (10)" (the Notice, section II, fourth paragraph). The present case is certainly not a "complex" case, given that the claims are directed to just three nucleotide sequences. Moreover, SEQ ID NO: 1, 2 and 5 are antisense to TGF-beta and are less than 25 nucleotides in length.

The Examiner states that "although the MPEP deems that up to ten nucleotide sequences may be searched without restriction, it has recently been decided by the Director of Biotechnology at the USPTO that searching more than one sequence per application will place an undue burden upon the Examiner and the Office." *See* Office action at pages 4-5. Applicants are unaware of any document detailing such decision by the Director of Biotechnology and request that the Examiner to provide a copy of such decision.

For the reasons set out above, Applicants respectfully request reconsideration of the species restriction. Should Applicants' request for reconsideration be denied, Applicants further request clarification that that if the generic claim (presently elected claim 15) is found allowable after examination based on a single elected species, then Applicants are entitled to consideration of the non-elected species if presented in dependent form or otherwise including the limitations of the allowed generic claim, in accord with 37 CFR 1.141.

In compliance with 37 CFR 1.143, although Applicants disagree with the species restriction, Applicants understand a provisional election of species must be made for

this response to be considered responsive. Accordingiy, Applicants provisionally elect SEQ ID NO:1, with traverse.

Applicants reserve the right to file divisional applications directed to the non-elected claims of Groups I and III. The Examiner is invited to call the undersigned at (650) 838-4309 as needed to further prosecution.

Respectfully submitted,
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Date: 1/17/03

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